

AMENDED IN ASSEMBLY JANUARY 7, 2002

AMENDED IN ASSEMBLY APRIL 18, 2001

AMENDED IN ASSEMBLY MARCH 29, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 13

Introduced by Assembly Member Florez

December 4, 2000

~~An act to add Section 15319 to the Government Code, relating to the San Joaquin Valley Economic Development Corridor, and making an appropriation therefor. An act to amend Section 25174.1 of, and to add Section 25174.12 to, the Health and Safety Code, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as amended, Florez. ~~San Joaquin Valley Economic Development Corridor Act of 2001~~ Hazardous waste disposal fees.

Existing law requires each person who disposes of hazardous waste to pay a fee to the State Board of Equalization for the disposal of that hazardous waste to land and specifies a schedule for calculating this fee, based upon the type of hazardous waste and the method of disposal or treatment. Existing law provides that the revenues from the hazardous waste disposal fee are deposited in the Hazardous Waste Control Account in the General Fund and the money in that account is available, upon appropriation by the Legislature, for expenditure for various purposes regarding the management of hazardous waste, including for expenditure by the Department of Toxic Substances Control for administering the hazardous waste control laws. Existing

law provides that a facility operator is not required to collect and transmit the hazardous waste disposal fee to the State Board of Equalization for a hazardous waste, if the operator maintains written evidence that the hazardous waste is eligible for a specified exemption.

This bill would provide that a person who pays the fee to an operator of an authorized hazardous waste facility, registered as specified, is not otherwise liable for the payment of that fee amount.

This bill would provide that a facility operator is relieved from the liability to collect the fee for the disposal of a hazardous waste if the charge is represented by an account that is found to be worthless and may be charged off for income tax purposes or may be charged off in accordance with generally accepted accounting principles. The bill would allow the operator to take a credit for any fee amount found to be worthless and would require the payments and credits to be applied in a specified manner.

~~Existing law sets forth the duties of the Technology, Trade, and Commerce Agency in overseeing economic and community development efforts in the state.~~

~~This bill would enact the San Joaquin Valley Economic Development Corridor Act of 2001 to establish a program, to be administered by the San Joaquin Valley Economic Development Joint Powers Authority, to enhance economic development within the boundaries of the authority. The bill would establish a 2-year micro-loan program and would create the San Joaquin Valley Economic Development Fund in the State Treasury for purposes of the act. The bill would expressly authorize the authority to receive funding and issue revenue bonds and other forms of indebtedness for eligible projects, as defined.~~

~~The bill would appropriate \$100,750,000 from the General Fund to the Technology, Trade, and Commerce Agency for allocation to the San Joaquin Valley Economic Development Joint Powers Authority, as specified.~~

Vote: $\frac{2}{3}$ majority. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 15319 is added to the Government~~
- 2 ~~SECTION 1. Section 25174.1 of the Health and Safety Code~~
- 3 ~~is amended to read:~~

25174.1. (a) Each person who disposes of hazardous waste in this state shall pay a fee for the disposal of hazardous waste to land, based on the type of waste placed in a disposal site, in accordance with this section and Section 25174.6. *Each person who disposes of hazardous waste is liable for the fee until that person pays that fee to the state, except that if that person pays the fee to an operator of an authorized hazardous waste facility, registered pursuant to Section 43101 of the Revenue and Taxation Code, the person is not otherwise liable for the payment of that fee amount.*

~~(b) "Disposal fee" means the fee imposed by this section.~~

~~(c)~~ For purposes of this section, ~~"dispose"~~ the following terms mean:

(1) "Dispose" and "disposal" include "disposal," as defined in Section 25113, including, but not limited to, "land treatment," as defined in subdivision (n) of Section 25205.1.

(2) "Disposal fee" means the fee imposed by this section.

~~(d)~~

(c) Each operator of an authorized hazardous waste facility, at which hazardous wastes are disposed, shall collect a fee from any person submitting hazardous waste for disposal and shall transmit the fees to the State Board of Equalization for the disposal of those wastes. The operator shall be considered the taxpayer for purposes of Section 43151 of the Revenue and Taxation Code. The facility operator is not required to collect and transmit the fee for a hazardous waste if the operator maintains written evidence that the hazardous waste is eligible for the exemption provided by Section 25174.7 or otherwise exempted from the fees pursuant to this chapter. The written evidence may be provided by the operator or by the person submitting the hazardous waste for disposal, and shall be maintained by the operator at the facility for a minimum of three years from the date that the waste is submitted for disposal. If the operator submits the hazardous waste for disposal, the operator shall pay the same fee as would any other person.

~~(e)~~

(d) Notwithstanding subdivision ~~(d)~~ (c), the disposal facility shall not be liable for the underpayment of any disposal fees for hazardous waste submitted for disposal by a person other than the operator, if the person submitting the hazardous waste to the disposal facility has done either of the following:

(1) Mischaracterized the hazardous waste.

(2) Misrepresented any exemptions pursuant to Section 25174.7 or any other exemption from the disposal fee provided pursuant to this chapter.

~~(f)~~

(e) (1) Any additional payment of disposal fees that are due to the State Board of Equalization as a result of a mischaracterization of a hazardous waste, a misrepresentation of an exemption, or any other error, shall be the responsibility of the person making the mischaracterization, misrepresentation, or error.

(2) In the event of a dispute regarding the responsibility for a mischaracterization, misrepresentation, or other error, for which additional payment of disposal fees are due, the State Board of Equalization shall assign responsibility for payment of the fee to that person, or those persons, it determines responsible for the mischaracterization, misrepresentation, or other error, provided that the person, or persons, has the right to a public hearing and comment, and the procedural and substantive rights of appeal pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(3) Any generator, transporter, or owner or operator of a disposal facility shall report to the department and the State Board of Equalization any information regarding any such mischaracterization, misrepresentation, or error, which could affect the disposal fee, within 30 days of that information first becoming known to that person.

~~(g)~~

(f) The State Board of Equalization shall deposit the fees collected pursuant to this section in the Hazardous Waste Control Account, for expenditure by the department, upon appropriation by the Legislature.

~~(h)~~

(g) The operator of the facility that disposes of the hazardous waste to land shall provide to every person who submits hazardous waste for disposal at the facility a statement showing the amount of hazardous waste fees payable pursuant to this section.

~~(i)~~

(h) Any person who disposes of hazardous waste at any site that is not an authorized hazardous waste facility shall be responsible for payment of fees pursuant to this section and shall be the

1 taxpayer for purposes of Section 43151 of the Revenue and
2 Taxation Code.

3 ~~(j)~~

4 (i) Any administrative savings that are derived by the state as
5 a result of changes made to this section ~~during the 1995-96~~
6 ~~Regular Session of the Legislature by Chapter 638 of the Statutes~~
7 ~~of 1995~~ shall be made available to the department and reflected in
8 the annual Budget Act.

9 SEC. 2. Section 25174.12 is added to the Health and Safety
10 Code, to read:

11 25174.12. (a) A facility operator is relieved from the liability
12 to collect the fee due pursuant to Section 25174.1 to the extent that
13 the charge for the disposal of the tonnage of hazardous waste upon
14 which the fee is imposed is represented by an account that is found
15 to be worthless and charged off for income tax purposes or, if the
16 facility operator is not required to file income tax returns, charged
17 off in accordance with generally accepted accounting principles.

18 (b) If the facility operator has previously paid the fee, the
19 facility operator may take as a credit the amount of the fee found
20 to be worthless and charged off in the manner prescribed by the
21 board. If any of those accounts are thereafter, in whole or in part,
22 collected by the facility operator, the portion of the fee imposed by
23 Section 25174.1 as calculated under this section shall be included
24 in the first return filed after that collection and the fee paid with
25 the return.

26 (c) In determining the amount to be deducted, claimed as a
27 credit, or remitted, all payments and credits to the account of the
28 person who submitted the hazardous waste to the facility for
29 disposal shall be applied to the fee imposed by Section 25174.1 in
30 the same proportion as the amount received bears to the total
31 amount the facility operator charged the person, including all
32 taxes and fees.

33 Code, to read:

34 ~~15319. (a) This section shall be known and may be cited as~~
35 ~~the San Joaquin Valley Economic Development Corridor Act of~~
36 ~~2001.~~

37 ~~(b) The San Joaquin Valley Economic Development Corridor~~
38 ~~Program is hereby established. The San Joaquin Valley Economic~~
39 ~~Development Joint Powers Authority shall, at its option,~~
40 ~~administer the program. The program shall be subject to the review~~

1 of the Technology, Trade, and Commerce Agency. The geographic
2 boundaries of the program shall include any city and any county
3 that is a member of the San Joaquin Valley Economic
4 Development Joint Powers Authority.

5 (e) The purposes of the San Joaquin Valley Economic
6 Development Corridor Program are to do the following:

7 (1) Identify regionally significant transportation projects that
8 assist in the development of the San Joaquin Valley as an
9 agriculturally based sustainable economy.

10 (2) Support economic development activities that target small-
11 and medium-sized businesses.

12 (3) Encourage workforce development opportunities.

13 (d) (1) The San Joaquin Valley Economic Development
14 Corridor Program shall include a two-year micro-loan program
15 geared to assisting existing small- and medium-sized businesses
16 expand and remain in the San Joaquin Valley. All loans shall be
17 made within two years of the commencement of the program and
18 no loans shall be made after that period.

19 (2) The San Joaquin Valley Economic Development Fund is
20 hereby created in the State Treasury and shall be administered by
21 the Secretary of Technology, Trade, and Commerce.
22 Notwithstanding Section 13340, all moneys in the fund are
23 continuously appropriated without regard to fiscal years for the
24 micro-loan program established pursuant to this subdivision. The
25 fund shall receive all loan repayment amounts, including principal
26 and interest, and all related fees.

27 (e) The San Joaquin Valley Economic Development Joint
28 Powers Authority may receive funding and issue revenue bonds
29 and other forms of indebtedness as authorized by Article 2
30 (commencing with Section 6540) and Article 4 (commencing with
31 Section 6584) of Chapter 5 of Division 7 of Title 1. Indebtedness
32 may be issued on or on the behalf of the authority or any
33 jurisdiction within the authority. Eligible projects include, but are
34 not limited to, intermodal transfer facilities, food processing
35 plants, locations to park trucks while under mandatory
36 out-of-service hours, and goods distribution centers.

37 SEC. 2. The sum of one hundred million seven hundred fifty
38 thousand dollars (\$100,750,000) is hereby appropriated from the
39 General Fund to the Technology, Trade, and Commerce Agency,
40 to be allocated to the San Joaquin Valley Economic Development

1 ~~Joint Powers Authority for the purposes of Section 15319 of the~~
2 ~~Government Code as follows:~~

3 ~~(a) Seven hundred fifty thousand dollars (\$750,000) for a study~~
4 ~~on the utilization of short line rail in the San Joaquin Valley to~~
5 ~~enhance goods movement and support economic development in~~
6 ~~the region.~~

7 ~~(b) One hundred million dollars (\$100,000,000) for transfer to~~
8 ~~the San Joaquin Valley Economic Development Fund for~~
9 ~~expenditure pursuant to this act.~~

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